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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,791	12/29/2003	Jerrold Von Hauck	APPL-P2839	5370
28661	7590	08/16/2006	EXAMINER	
SIERRA PATENT GROUP, LTD. 1657 Hwy 395, Suite 202 Minden, NV 89423			MISIURA, BRIAN THOMAS	
			ART UNIT	PAPER NUMBER
			2112	

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/749,791

Applicant(s)

HAUCK, JERROLD VON

Examiner

Brian T. Misiura

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **Detailed Action**

#### **Response to Arguments**

Applicant's arguments filed 6/15/2006 have been fully considered but they are not persuasive.

In the applicant's arguments, the applicant states the Masunaga lacks the claimed limitation of "a bus manager sending a configuration packet to all PHYs connected on the bus, the configuration packet containing a minimum gap count parameter value, the minimum gap count parameter value derived from the maximum round trip delay between the first PHY and the second PHY.

The examiner respectfully disagrees with regards to the applicant's arguments. The applicant discloses in claim 1: "calculating a maximum round trip delay between a first PHY and a second PHY connected on the bus by pinging." The examiner points out paragraph [0087] of the applicants specification and figure 9, which states: "the simplest and most accurate Round\_Trip\_Delay determination is afforded when the Bus Manager is one of the leaf nodes in question as shown in Figure 9. Claim 1 as broadly claimed, could be interpreted to include the bus manager as being one of either the 'first PHY' or the 'second PHY' as described in paragraph [0087]. Therefore, with this interpretation of the bus manager of Masunaga being one of the PHY nodes as described by the applicant, Masunaga discloses all the limitations of claim 1.

#### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102 (b) as being anticipated by Masunaga et al. U.S. Patent No. 6,909,699.

Per claims 1 and 10, Masunaga discloses: a method of optimizing communication over a high-speed serial bus by minimizing the delay between packets transmitted over the bus, the method comprising:

- calculating a maximum round trip delay between a first PHY and a second PHY connected on the bus by pinging (Masunaga, column 19 lines 30-50, column 20 lines 24-41, figure 40);
- a bus manager sending a configuration packet to all PHYs connected on the bus, the configuration packet containing a minimum gap\_count parameter value, the minimum gap\_count parameter value derived from the maximum round trip delay between the first PHY and the second PHY (column 20 lines 42-47, figure 40) (By saying “thereby optimizing the gap count”, it is understood that the configuration packet was sent to all nodes.); and
- all PHYs connected on the bus sending packets over the bus using the minimum gap\_count parameter value as delay between packets (column 18 lines 55-65, column 19 lines 1-16) [defines minimum gap-count.], and (column 20 lines 42-47 figure 40).

Per claim 2, Masunaga discloses: the method of claim 1, further comprising preserving an ack/iso gap between packets, wherein a first PHY sent a most recently-sent packet and a second PHY is responding to the first PHY (column 2 lines 40-45, figure 4).

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Per claim 3, Masunaga discloses: the method of claim 2, wherein the second PHY is responding with an ack packet (column 2 lines 40-45, figure 4).

Per claim 4, Masunaga discloses: the method of claim 2, wherein the second PHY is responding with an isochronous arbitration packet (figure 7).

Per claim 5, Masunaga discloses: the method of claim 1, wherein the first PHY sends an isochronous packet, observes a subaction gap, and initiates an arbitration indication (figure 6).

Per claim 6, Masunaga discloses: the method of claim 1, wherein the first PHY sends an asynchronous packet, observes an arbitration reset gap, and initiates an arbitration indication (column 18, lines 34-47, figure 38).

Per claim 6, Masunaga discloses: the method of claim 1, wherein calculating the round trip delay comprises a ping command executed at a link layer level on a node having a first PHY and is directed at a link layer on a node having a second PHY (column 13 lines 7-22 figure 24, and column 19 lines 30-50, column 20 lines 24-41, figure 40).

Per claim 8, Masunaga discloses: the method of claim 7, wherein calculating the round trip delay comprises calculating a round trip delay from a first link on the node having the first PHY and a second link on the node having the second PHY (Masunaga, column 19 lines 30-50, column 20 lines 24-41, figure 40).

Per claim 9, Masunaga discloses: the method of claim 1, wherein the second PHY has a subaction gap timeout value that is greater than the IDLE value that can occur within a subaction and an isochronous interval on the high-speed serial bus (figure 5, sub action gap is smaller than the entire subaction).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Misiura whose telephone number is (571) 272-0889. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on (571)272-3676. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Brian Misiura*  
8/14/2006

*[Signature]*  
REHANA PERVEEN  
SUPERVISORY PATENT EXAMINER  
8/15/06